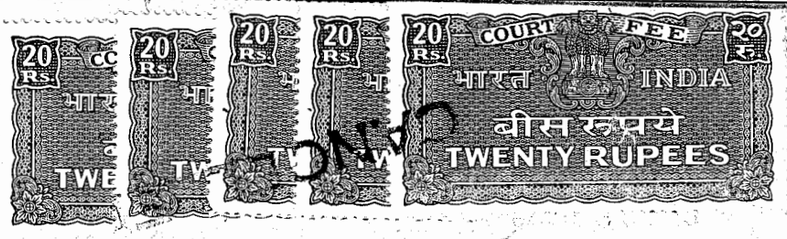

BEFORE THE HIGH COURTOF JUDICATURE AT JABALPUR

(2)

W.P.No. 2019 /99

PETITIONER: Sudeep Gupta, S/o Shri P.N.Gupta, aged 34 yrs, Sales Tax Officer, (under suspension) Attached to the Dy. Commissioner, Commercial Taxes, Division No.2, Indore, R/o C/2 Sales Tax Colony, Sudama Nagar, Indore.

V/s

RESPONDENTS: 1. The State of M.P., through the Principal Secretary, Deptt. of Commercial Taxes, Mantralaya, Vallabh Bhawan, Bhopal.

2. Special Police Establishment, Lok Ayukt Office, Raipur, Distt. Raipur, through Inspector.

3. Addl. Secretary, Law & Legislative Affairs Deptt., Govt. of M.P., Vallabh Bhawan, Bhopal.

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS? DIRECTIONS, ORDERS, PROHIBITION OR THE LIKE.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(140)

आदेश पत्रक

मामला क्रमांक W.P.2019/99 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

11.10.2001 :

Mr.Prashant Mishra for the petitioner.

Mr.Deep Kesharwani for the respondents.

The petitioner is a co-accused in one case with another person namely Raj Kumar Tiwari. Said Raj Kumar Tiwari co-accused had filed writ petition No. 4485/98 for quashing the prosecution launched against him. The said petition was disposed of on 16.4.99. Operative portion of the said order in paragraph 39 which reads as under :-

> " Though the petition has been filed under Article 226 of the Constitution of India, on following principle laid-down by their Lordships in the matter of M/s Pepsi Food Ltd Vs. Special Judicial Magistrate (1998 SC 128) I would exercise my authority and powers under Article 227 of the Constitution of India and section 482 of the Code of Criminal Procedure and quash the prosecution against the present petitioners."

Shri Kesharwani states that LPA was filed against the said order and the same is pending at Jabalpur. It seems that no order of stay has been obtained. Shri Kesharwani prays for time to seek instructions as to whether stay at all was granted in the matter. The aforesaid order was issued on 16.4.99. It is

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[पीछे देखिये

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	..2..आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
J	three years since the order was passed. It seems that it will be fair and reasonable to say that similar relief should be available to this writ petition who has been booked in connection with the same case with the writ petitioner in WP 4485/98. In the result this petition is disposed of in terms of the aforesaid order which will squarely govern the case of the writ petitioner. Sd/- Chief Justice	